



## NOTICE OF PUBLIC HEARING

*Date mailed: October 30, 2019*

You are receiving this notice for a public hearing regarding an appeal of a land use application. The appeal requires review by the Milwaukie City Council at a public hearing. It also requires notice to all property owners and residents within 300 feet of the proposal, the property owner(s) and applicant, and the affected neighborhood district association(s). The proposal and information on how to respond to this notice are described below.

**The Milwaukie City Council will hold a public hearing on the proposal at a meeting beginning at 6:00 p.m. on Tuesday, November 19, at Milwaukie City Hall, 10722 SE Main Street.**

<b>File Number(s):</b>	AP-2019-003
<b>Location:</b>	12205-12225 SE 19 <sup>th</sup> Ave 11E35DD03300 & 03200 <i>A map of the site is located on the last page of this notice.</i>
<b>Proposal:</b>	<p>This hearing is an appeal of Milwaukie Land Use Master File #NR-2018-005, which denied the proposed 12-unit natural resources cluster development at the above referenced site. The proposal was for the construction of 10 new homes, rehab of the two existing homes, and construction of a new private drive.</p> <p>The property includes 100-yr floodplain, mapped Water Quality Resources (WQR) and Habitat Conservation Area (HCA). The proposed development would result in WQR and HCA disturbance, triggering a need for Natural Resource Review. The proposal included mitigation for the disturbance to the mapped natural resources.</p>

<p><b>Reason for Appeal by Appellant:</b></p>	<p>The appellant seeks review of the Planning Commission denial of the application based on the following:</p> <ul style="list-style-type: none"> <li>• The decision incorrectly interprets or applies approval criteria; and</li> <li>• The decision fails to properly consider the Applicant's argument and substantial evidence in the record.</li> </ul> <p>The decision to deny the application addressed only those sections which the Planning Commission found the application failed to satisfy: MMC Chapter 18.04 – Flood Hazard Area and MMC Chapter 19.402 – Natural Resources. The appeal details the deficiencies in the decision under these two main categories, which correspond to the findings for denial.</p> <p>In addition, the appeal asserts that the decision fails to apply the Milwaukie Comprehensive Plan and improperly applied subjective approval criteria as related to Needed Housing as defined in ORS 197.303.</p>
<p><b>Appellant Contact:</b></p>	<p>Matt Gillis, Gillis Properties LLC        11650 SW 67<sup>th</sup> Ave, #210, Tigard, OR 97223        503-207-2055 / <a href="mailto:matt@bridgetownhomespdx.com">matt@bridgetownhomespdx.com</a></p> <p>Mike Robinson, Schwabe Williamson and Wyatt        1211 SW 5<sup>th</sup> Ave, Ste 1900, Portland, OR 97204        503-796-3756 / <a href="mailto:mrobinson@schwabe.com">mrobinson@schwabe.com</a></p>
<p><b>Owner(s):</b></p>	<p>Matt Gillis, Gillis Properties, LLC</p>
<p><b>Staff contact:</b></p>	<p>Vera Koliass, Associate Planner        City of Milwaukie Planning Department        6101 SE Johnson Creek Blvd        Milwaukie, OR 97206        503-786-7653  <a href="mailto:koliassv@milwaukieoregon.gov">koliassv@milwaukieoregon.gov</a></p>
<p><b>Neighborhood District Association(s):</b></p>	<p>Island Station NDA, contact Milo Denham at 503-586-1574.</p>

<b>Applicable Criteria:</b>	<ul style="list-style-type: none"><li>• MMC 12.16 Access Management</li><li>• MMC 12.24 Clear Vision at Intersections</li><li>• MMC 18.04 Flood Hazard Area</li><li>• MMC 19.301 Low Density Residential Zones</li><li>• MMC 19.401 Willamette Greenway Zone</li><li>• MMC 19.402 Natural Resources</li><li>• MMC 19.504 Site Design Standards</li><li>• MMC 19.505 Building Design Standards</li><li>• MMC 19.600 Off-Street Parking and Loading</li><li>• MMC 19.700 Public Facility Improvements</li><li>• MMC 19.911 Variances</li><li>• MMC 19.1006 Type III Review</li></ul> <p>Copies of these criteria are available upon request and can also be found at <a href="http://www.qcode.us/codes/milwaukie/">www.qcode.us/codes/milwaukie/</a>.</p>
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**To learn more about a proposal:** Call the staff contact assigned to the proposal or visit the project webpage at <https://www.milwaukieoregon.gov/planning/ap-2019-003>. The staff report on the proposal will also be available for public viewing after 8 a.m. on **Wednesday, November 13**, at the following locations:

- Planning Department, Johnson Creek Facility, 6101 SE Johnson Creek Blvd (open weekdays 8:00 a.m. to 5:00 p.m.)
- Ledding Library, 9600 SE Main St (call 503-786-7580 for current hours)
- City Hall, 10722 SE Main St (open weekdays 8:00 a.m. to 5:00 p.m.)
- City website, <http://www.milwaukieoregon.gov/meetings>

Copies of information in the file can be obtained for a reasonable fee. Copies of applicable City ordinances and the Comprehensive Plan are also available for review at the locations listed above.

**NOTE:** The City Council appeal hearing will be an on-the-record de novo hearing. New evidence is not allowed. New testimony and arguments are allowed. The City Council will evaluate the existing evidence and testimony that were presented to the Planning Commission. Council will also hear new testimony and arguments. Everyone is eligible to participate in the appeal hearing.

**To comment on a proposal:** You are invited to attend this hearing or submit comments in writing before the meeting time. You may send written comments in advance to the staff contact listed above, or you may submit your comments in person at the hearing. If you want to present verbal testimony, either pro, con, or to raise questions, you will be invited to speak following the applicant’s testimony. Testimony and comments at this hearing must be directed towards the criteria identified. If you submit a written comment or comment in person at the hearing, you will be sent a copy of the decision or recommendation. All written and verbal comments become part of the permanent record.

**To appeal a decision:** The City Council's decision may be further appealed by a person with standing. In order to establish standing, you must do at least one of the following: submit written comments to the staff contact before the hearing date; attend the hearing and sign in; or attend the hearing, sign in, and make a verbal comment. Any issue that is intended to provide a basis for appeal must be raised in

writing on or before the hearing date with sufficient specificity to afford the responsible parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity, and accompanied by statements or evidence sufficient to afford the responsible parties an opportunity to respond to the issue, will preclude any appeal on that issue to the Land Use Board of Appeals (LUBA).

*The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act (ADA). If you need special accommodations, please call 503-786-7600 at least 48 hours prior to the meeting.*

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER:**

THE MILWAUKIE MUNICIPAL CODE REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT SHALL BE PROMPTLY FORWARDED TO THE PURCHASER.